

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS, STATE OF
LOUISIANA

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*

Defendants.

No. 6:21-cv-00016

RESPONSE TO PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants hereby respond to Plaintiffs’ recent notice of the decision by the Southern District of Ohio in *Arizona v. Biden*, --- F. Supp. 3d ----, No. 3:21-cv-314, 2022 WL 839672 (S.D. Ohio Mar. 22, 2022), in which the district court issued a partial preliminary injunction of the Secretary of Homeland Security’s *Guidelines for the Enforcement of Civil Immigration Law* (“September Guidance”). Pls.’ Notice of Suppl. Auth. (ECF No. 226). Defendants disagree with the decision and have already filed a notice of appeal and a motion for a stay pending appeal. *See Arizona v. Biden*, No. 3:21-cv-314 (S.D. Ohio), ECF Nos. 48, 49. As Defendants explained in briefing their motion for a stay before the district court, the district court’s preliminary injunction relies on multiple errors of law. *See, e.g., id.* ECF Nos. 49, 54. This Court should reject the effort by Texas and Louisiana to have this Court compound the errors made by another court acting in a preliminary posture by applying them to final judgment in this case. Instead, this Court should consider the extensive record in this case—including the trial, thorough closing arguments, and post-trial briefing—in assessing the matters before it.

Date: March 31, 2022

Respectfully submitted.

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director

/s/ Adam Kirschner

ADAM D. KIRSCHNER

Attorney-in-charge

IL Bar. No. 6286601

Senior Trial Counsel

BRIAN C. ROSEN-SHAUD

ME Bar No. 006018

MICHAEL F. KNAPP

CA Bar No. 314104

KUNTAL CHOLERA

DC Bar No. 1031523

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

Tel: (202) 353-9265

Fax: (202) 616-8460

Email: Adam.Kirschner@usdoj.gov

Brian.C.Rosen-Shaud@usdoj.gov

Michael.F.Knapp@usdoj.gov

Kuntal.Cholera@usdoj.gov

Mailing Address:

Post Office Box 883

Washington, D.C. 20044

Courier Address

1100 L Street NW, Room 11020

Washington, D.C. 20005

EREZ REUVENI

CA Bar No. 264124

Assistant Director

U.S. Department of Justice

Civil Division, Office of Immigration Litigation

P.O. Box 868, Ben Franklin Station

Washington, D.C. 20044

202-307-4293 (telephone)

Email: Erez.R.Reuveni@usdoj.gov

Counsel for Defendants

DANIEL DAVID HU
Assistant United States Attorney
Chief, Civil Division
State Bar No. 10131415
S.D. I.D. 7959
Southern District of Texas
1000 Louisiana, Suite 2300 Houston, TX 77002
Tel: (713) 567-9000
Fax: (713) 718-3300
Daniel.Hu@usdoj.gov

Local Counsel

/s/ Adam Kirschner
ADAM D. KIRSCHNER

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically
(via CM/ECF) on March 31, 2022.

/s/ Adam Kirschner
ADAM D. KIRSCHNER